

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JEAN-CLAUDE FRANCHITTI,

Plaintiff,

-v-

COGNIZANT TECHNOLOGY SOLUTIONS  
CORPORATION, et al.,

Defendants.  
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21-CV-2174 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On May 10, 2021, Defendants filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course. Accordingly, it is hereby ORDERED that, notwithstanding the briefing schedule adopted on April 7, 2021, ECF No. 28, Plaintiff shall file any amended complaint by **May 31, 2021**. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.

If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) file a letter on ECF stating that it relies on the previously filed motion to dismiss. If Defendant files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot. If Defendant files a new motion to dismiss, any opposition shall be filed within twenty-eight days, and any reply shall be filed within fourteen days of any opposition.


If no amended complaint is filed, the existing briefing schedule shall remain in effect, pursuant to which Plaintiff shall file any opposition to the motion to dismiss by **June 11, 2021**, and Defendant shall file any reply by **June 29, 2021**. See ECF No. 28.

It is further ORDERED that the initial pretrial conference previously scheduled for June 23, 2021, is adjourned *sine die*. Finally, Defendants' motions to file portions of their recently filed moving papers under seal, ECF Nos. 36 & 37, are GRANTED temporarily. The Court will assess whether to keep the materials at issue sealed or redacted when deciding the underlying motion.

The Clerk of Court is directed to terminate ECF Nos. 36 and 37.

SO ORDERED.

Dated: May 11, 2021  
New York, New York

  
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JESSE M. FURMAN  
United States District Judge